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M E M O R A N D U M

DATE: August 22, 2001

TO: Chief Circuit Judges and Presiding Family Division Judges
cc: Friends of the Court
Circuit Court Administrators
Family Division Administrators

FROM: John D. Ferry, Jr., State Court Administrator

SUBJ: SCAO Administrative Memorandum 2001-09
Friend of the Court Support Case Administrative Closure Criteria

Pursuant to the Friend of the Court Act the State Court Administrative Office, Friend of the Court Bureau is to develop and recommend guidelines for conduct, operations, and procedures of the friend of the court offices. MCL 552.503(6) states that “each friend of the court shall take all necessary steps to adopt office procedures to implement . . . the recommendations of the bureau.”

Federal support enforcement and modification requirements apply to cases with applications for services under Title IV-D of the Social Security Act. Federal regulations contain guidelines for terminating a case’s IV-D status, but Michigan law requires enforcement and modification activities to be carried out for both IV-D and non IV-D cases. “Friend of the Court Case Administrative Closure Criteria” dated July 1, 1992, adopted many of the federal IV-D case closure guidelines for friends of the court to use to close support cases. The attached policy incorporates the new federal IV-D guidelines and provides expanded guidelines for friends of the court to use to close both IV-D and non IV-D support cases administratively.

Case closure will ensure that only those cases with a reasonable chance of effective support activity are administered by friend of the court offices. Closing cases offers two advantages:

- Closing appropriate cases minimizes staff efforts to review those cases for enforcement actions, and minimizes use of automated system resources for tracking caseloads.

- Case closure will increase the proportionate measure of support collected compared to support owed. This will improve the friend of the court performance measurements for purposes of receiving federal incentives to assist state and local jurisdictions in funding further support collection efforts.

This policy replaces the interim policy, SCAO Administrative Memorandum 2001-02, dated February 15, 2001. Questions should be directed to Steve Capps (cappss@jud.state.mi.us or 517-373-4835) or Ron Kollen at (kollenr@jud.state.mi.us or 517- 373-4835).

Attachment

FRIEND OF THE COURT CASE CLOSURE POLICY

A. DEFINITIONS.

1. “**Close**,” when referring to a support case, means putting the case in a status in which it does not count for statistical accounting purposes and does not require support enforcement and modification activity. Friend of the court offices use different terms (e.g., “inactivation,” “exempt from enforcement,” etc.) for this process. Custody and parenting time services must still be provided even though the support case is closed.
2. “**Support**,” except where otherwise indicated, means court ordered payments for a child pursuant to the child support formula (or a deviation from the formula) or maintenance of a spouse (non-property settlement) including: child support, spousal support, child care expenses, support assigned as foster-care reimbursement, etc. Support also includes court ordered payments for expenses statutorily defined as support in addition to support set pursuant to the formula, including: educational expenses; medical, dental, and/or health care expenses; confinement expenses; etc.
3. “**Support Case**” means those support enforcement and modification aspects of a case that require friend of the court action under the “Support and Parenting Time Enforcement Act,” MCL 552.601 *et. seq.*, and the “Friend of the Court Act,” MCL 552.501 *et. seq.*

B. BACKGROUND.

Title IV-D of the Social Security Act provides funding for support related activities in a case. IV-D regulations determine when a case qualifies as a IV-D case. Recognizing that continuation of enforcement activities in some cases would be inefficient, the regulations contain guidelines that state when and how a case’s IV-D status should be closed so that resources can be used more effectively on other cases. When a case’s IV-D status is closed, there is no reimbursement for activities on the case. Because Michigan law requires support related activities to be performed on both IV-D and non IV-D support cases, closing a case’s IV-D status without closing the support case increases a friend of the court office’s administrative costs. Closing a support case when the cost of enforcement activities on the case is high and the potential for success is low allows an office to allocate resources to make overall collection efforts more effective while improving performance measurements for purposes of receiving federal incentives to fund other support collection efforts.

This policy provides guidelines for friend of the court offices to close support cases administratively.¹ To assist the reader, this policy cites the federal IV-D case closure guidelines and includes a checklist of criteria as Appendix “A.”

¹To close some support cases it may also be appropriate to obtain a court order. See section E, *infra*.

C. CASE CLOSURE CRITERIA - GENERAL.

The following criteria apply to all support cases and are the same as the criteria found in 45 CFR 303.11 for terminating a case's IV-D status.²

1. Arrearage only cases.

Support collection efficiency may be compromised when the resources necessary to collect an arrearage are great and the likelihood of success is small. In the following circumstances, the friend of the court may administratively close its support case.

- a. No current support is due and arrears are less than \$500 or are unenforceable under state law [45 CFR 303.11(b)(1)].

The support case may be closed when both 1) and 2) are true:

- 1) There is no current support due,³ and
- 2) If either:
 - a) No support arrearage is due⁴, or
 - b) There is a support arrearage due, but:
 - i) the support arrearage is less than \$500⁵ and collection is unlikely⁶ or

²Failure to cooperate, 45 CFR 303.11(b)(11), is not included as a basis for case closure under this policy.

³This may be because all children have reached the age of majority, the children have otherwise emancipated, or the current support obligation has ceased for some other reason (examples include: death or adoption of the person for whom support is paid, reconciliation or remarriage of the parties, and marriage of the parties to a paternity case). Depending on the circumstances, an order may be necessary or desirable to stop the charges.

⁴This includes cases in which an arrearage is shown as due to a party to the case, no arrearage is due to the state or a third party and the parties marry or remarry [*Sierra v Minear*, 341 Mich 182 (1954)(marriage extinguishes wife's premarital debt to husband)] or a judgment of divorce is entered without preserving arrears from a family support action. Depending on the circumstances, an order may be necessary or desirable to dismiss the arrearage.

⁵Support for this purpose does not include costs, fees, or fines.

⁶The friend of the court should not close a case when a reasonable possibility of collection exists. No extraordinary effort should be made on these cases but the file should reflect efforts to locate assets or the payer. The office should use available location methods to find out whether other offices have cases on which payments may have been made.

ii) support arrearages are unenforceable under state law.⁷

- b. The payer is deceased and no further action, including levy against the estate, can be taken [45 CFR 303.11(b)(2)].

If only Michigan assets exist for a payer who has died (or a payer without assets dies in Michigan) the case can be closed at the earliest of:

- 1) Four months from the notice of claims for the payer's estate.
- 2) One year after the payee is notified of the right to open an estate.
- 3) Three years from the date of death.

The friend of the court should obtain a death certificate or other evidence of death and should file a claim against any estate that may have been opened.

All claims are barred after four months from the date the notice pursuant to MCL 700.3801 is given. If no estate has been opened, or if the friend of the court is unsure of the status of any estate, the payee should be contacted as soon as possible and advised to file a claim against the estate should one exist or be opened in the future. The payee should also be advised that the payee may attempt to open an estate if one is not opened. Under most circumstances, someone (other than the friend of the court) should have opened an estate within forty-two days of the date of death. In the event an estate is not opened within forty-two days, a creditor may file to open an estate. When the recipient of support has been notified of the right to open an estate and no estate has been opened within one year of the date of the payer's death, the case should be closed. When money is owed to a governmental entity, the appropriate county public administrator should be contacted after

⁷Unenforceable under state law means the court has found the order unenforceable, or statutory or court rule provisions bar further action on the order. The statute of limitations is the most likely reason support would be unenforceable. The statute of limitations applies when more than 10 years has passed since the last support payment was due. See MCL 600.5809(4)(the date of the support order may determine whether this version of the statute applies; *Rzadkowolski v Pefley*, 237 Mich App 405 (1999)). A payment may extend the 10-year period (*Alpena FOC ex rel. Paul v Durecki*, 195 Mich App 635 (1992)), or the period may be tolled by statute. The friend of the court should only determine that the statute *might* apply, not that it *does* apply. The court determines whether the statute bars enforcement when the issue is raised. It is not necessary to have a decision on the issue before closing the case. After the case is closed, it may be reopened as necessary to obtain a judicial determination based on the facts of the case.

forty-two days from the date of the payer's death and asked to open an estate.⁸ If the county public administrator is unable to open an estate, the case should be closed.

When the payer dies a Michigan resident and there are no known assets in other states that would require probate, the case should be closed at the earlier of three years from the date of death if there is no open estate, or upon closure of the estate. No claim can be filed after the estate has been closed. All claims are barred after three years [MCL 700.3803].

When the deceased payer lived out of state at the time of death, or, when there are assets in another state requiring probate in that state, an action under the Uniform Interstate Family Support Act (UIFSA) should be initiated to file any necessary claims [MCL 552.1103(j)].

2. Location of payer and assets.

Sometimes, when there is a current support order but the location of the payer or the payer's assets are unknown or beyond the jurisdiction of the court, additional action by the friend of the court would be futile. The support case should be closed in the following circumstances.⁹

- a. The payer's location is unknown despite diligent efforts using multiple sources, all of which have been unsuccessful, to locate the payer [45 CFR 303.11(b)(4)]. Both of the following must be true:
 - 1) Location efforts must have been made:
 - a) At least quarterly over the last three years where there is sufficient information to initiate an automated locate effort [45 CFR 303.11(b)(4)(i)]; or

⁸Contact the county public administrator in the county in which the decedent lived at the time of decedent's death or, if the decedent lived out of state, in a Michigan county where the decedent's property is located [MCL 700.3201].

⁹Support should continue to charge unless the support order is modified. Normally support should not be modified downward because the wrongful actions of the payer would prohibit an accurate determination of support.

- b) Over the last year when there is insufficient information to initiate an automated locate effort [45 CFR 303.11(b)(4)(ii)].¹⁰
- 2) There have been no collections for a year on any of the payer's cases.¹¹

Quarterly attempts may be limited to automated sources when there is sufficient information to initiate an automated locate effort but these efforts must include state employment security files [45 CFR 303.3(b)(5)]. When insufficient information exists for an automated quarterly locate, appropriate location sources that must be attempted include Federal PLS; interstate location networks; local officials and employees administering public assistance, general assistance, medical assistance, food stamps and social services; relatives and friends of the payer; current or past employers; the local telephone company; the U.S. Postal Service; financial references; unions; fraternal organizations; police, parole, and probation records if appropriate; state agencies and departments as authorized by state law, including those departments which maintain records of public assistance, wages and employment, unemployment insurance, income taxation, drivers' licenses, vehicle registration, and criminal records; and other sources [45 CFR 303.3(b)(1)]. Location must be attempted quarterly or immediately upon receipt of new information which may aid in location.

- b. The payer is a citizen of and lives in a foreign country [45 CFR 303.11(b)(6)].

The payer must be a citizen of and reside in a foreign country and all of the following must also be true:

- 1) The payer does not work for the federal government, a company with headquarters or offices in the United States, or has no known employer.
- 2) The payer has no reachable domestic income or assets.

¹⁰Usually there is insufficient information to initiate an automated locate when the office does not have a good social security number for the payer.

¹¹The office should use available location methods to determine whether other jurisdictions have cases on which payments may have been made.

- 3) Michigan has not established reciprocity with the country of residence and the country does not accept interstate actions in the absence of a reciprocal agreement.

3. Changes in circumstances.

Changes in circumstances may make the payment of support impossible. When these circumstances occur, the friend of the court should review support pursuant to MCL 552.517(b) to set it at an appropriate level and close the support case.

- a. The payer will not be able to pay support for the duration of the support order because of incarceration, institutionalization or incapacitation [45 CFR 303.11(b)(5)].

The payer cannot pay support for the duration of the support order because:

- 1) The payer is institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically-verified total and permanent disability with no evidence of support potential, and
- 2) No assets are available to the payer from which support can be paid.

Evidence of inability to pay support should include a determination that the payer is not eligible for Social Security, Veteran's, Workers Compensation, sick, or disability benefits; has no reasonable likelihood of future employment; and has no pending insurance claims or lawsuits.

- b. The payee cannot be contacted within a ninety-calendar day period despite an attempt of at least one letter sent by first class mail to the payee's last known address [45 CFR 303.11(b)(10)].¹²

When the payee cannot be contacted within a ninety-calendar day period, the friend of the court may close the case provided:

¹²Federal regulations contain a sixty-day provision. However, Michigan statutes provide that the court shall suspend or terminate an order of income withholding when the location of the child or custodial parent cannot be determined by the friend of the court for a period of ninety days or more [MCL 552.619(2)].

- 1) The friend of the court has attempted contact at least ninety days before the closure by first class mail to the payee's last known address;¹³ and
 - 2) The family is not currently receiving IV-D services on FIP, Medicaid or Food Stamp eligibility; and
 - 3) Either:
 - a. There is no support order associated with the case, or
 - b. There is no current support obligation for any child in the case¹⁴ and there is no support owed to the state; and
 - 4) No request for IV-D services has been filed by the payer.¹⁵
4. Request for case closure.
- a. The payee requests closure of the case [45 CFR 303.11(b)(8)].
- The friend of the court may close the case's IV-D status when:
- 1) The payee requests closure of the case; and
 - 2) There is no assignment to the state of medical support or of arrears which accrued under a support order; and
 - 3) The payer has not requested IV-D services.¹⁶

¹³This may include child support checks mailed and returned as undeliverable.

¹⁴Because the child cannot benefit from the support payments when the payee cannot be located, it may be appropriate for the friend of the court to review the case and modify support to zero or a reservation of support. The modification would also allow the case to satisfy the requirement of this subparagraph.

¹⁵Some offices obtain applications from both parties to a case. Additionally, under UIFSA either party may request interstate support services.

¹⁶Some offices obtain applications from both parties to a case. Additionally, under UIFSA either party may request interstate support services. When both parties have requested IV-D services, the friend of the court should not close the case's IV-D status unless there is a request to close the IV-D case from both parties.

The friend of the court should be careful to determine whether there is evidence in the file of domestic abuse before honoring the request. If there is evidence of domestic abuse, the friend of the court can refuse to honor the request to close the case's IV-D status. If the case's IV-D status is closed, an order is still necessary to close the friend of the court support case.¹⁷

5. Failure of initiating state to cooperate in interstate action [45 CFR 303.11(b)(12)].

When an initiating state in an interstate case fails to take an action or provide information which is essential¹⁸ for continued support action, the friend of the court may close the support case under the following conditions:

- a. A request for additional information or action is sent to the initiating state and a response is not received within forty-five days from the original request date, or
- b. The initiating state indicated that requested information would be provided by a specific date, and the information is not received within forty-five days from the specified date.

D. CASE FILE CLOSURE CRITERIA - INACTIVE CASES.

In addition to the IV-D case closure criteria incorporated in this policy, the friend of the court may close its support case when there is no reason for the friend of the court to continue to be involved. In some cases it may be necessary to obtain an order to suspend a support obligation.¹⁹ The following situations would support closing the support case.

1. The case was an interstate registration for modification of support only, twenty-one days have passed since entry of a modification order, and no proceeding is pending to further consider the matter.

¹⁷A support obligation cannot be suspended except by order of the court [MCR 3.209(A)(2)]. If the support obligation continues, but the friend of the court may close its case under these criteria, the court will need to order that income withholding cease [MCR 3.211(D)]. The court must make specific findings when eliminating the income withholding requirement [MCL 552.619].

¹⁸If support action can still be taken without the information, the case cannot be closed.

¹⁹Pursuant to MCR 3.209(A)(2), "A support obligation cannot be suspended except by court order." The requirement for a court order may be satisfied in advance by providing abatement provisions in support orders (e.g., an order might state that support will abate if the parties marry or remarry and the payer lives in the home of the minor children; or the children reside on a full-time basis with the support payer and no public assistance is received by anyone other than the payer for the minor children).

2. The court dismisses the case or finds the support order is unenforceable.
3. The case is transferred pursuant to court rule.
4. Michigan has an existing support order or is the responding state for interstate registration and the case meets all of the following criteria:
 - a. The order has been registered in another state.
 - b. Neither party nor any child on the case remains in Michigan.
 - c. Payments have been redirected and are no longer paid through Michigan.
 - d. There is no arrearage due to the state of Michigan and either no other arrearage is owed or the state of current registration has incorporated the arrearage and is enforcing it.

If Michigan entered the support order, Michigan should remain the state that processes support payments. However, the case should be closed if continuing to exercise enforcement jurisdiction would interfere with the processing of the case in other jurisdictions. Care should be taken to keep the case file in a condition to permit the Michigan court to fulfill its obligations as custodian of the records, that is, to provide an accounting based on its records or information based on its knowledge of non-modifiable aspects of its original judgment. The case should not be closed unless notice is given to all parties and to all other jurisdictions.²⁰

5. Michigan is the initiating state in an interstate case to establish a support order or paternity and the case meets all of the following criteria:²¹
 - a. The order has been registered in another state.
 - b. Neither party nor any child on the case remains in Michigan.
 - c. Payments have been redirected and are no longer paid through Michigan.
 - d. There is no arrearage due to the state of Michigan and either no other arrearage is owed or the state of current registration has incorporated the arrearage and is enforcing it.

6. The court relieves the friend of the court from its obligation to enforce the order.

E. PROCEDURES PRELIMINARY TO CASE CLOSURE.

1. Review for support modification.

²⁰The support specialist must also be notified when the case is closed.

²¹The support specialist must also be notified when the case is closed.

After determining that the case should be closed, the friend of the court should determine whether an order should be obtained to address issues associated with the support case closure. When circumstances have changed to make a support order improper (see (C)(3) *supra.*), the friend of the court should exercise its discretion under MCL 552.517(b) to file a motion to modify the support amount to zero (when that is the appropriate amount), or to have a decision on the amount of support reserved.

Support should not be modified to zero when the payer cannot be located – if the payer is later located and the case reopened, the payer should be liable for support during the time the payer could not be located.

2. Orders seeking relief from judgment.

In some cases the office may determine that it is appropriate to seek relief from operation of the judgment pursuant to MCR 2.612(C)(1)(f) or under such other grounds as the circumstances dictate (e.g., when it is discovered that a person is totally disabled several years after the disability occurs, it may be appropriate to ask the court to grant equitable relief from the operation of the support order).

In the event an arrearage exists at the time a motion is made to modify support due to circumstances that make a support order improper (see (C)(3) *supra.*), the friend of the court should also request an order suspending enforcement. The order resulting from the hearing should include provisions for reinstating the enforcement of the case under appropriate circumstances.

F. PROCEDURES FOR ALL FOC CASE CLOSURES.

1. Notices.

Notice must be sent in advance of closing the support case. If the reason for closing the case is also a basis for terminating a case's IV-D status, a support case closure notice and a IV-D closure notice must be sent in addition to any other action taken.²²

- a. The friend of the court must notify all parties in writing sixty days before closing the case. Notice must be provided to each party at the party's last known address. The friend of the court case must be kept open if any party provides information which assists in the enforcement of a support order. If

²²For example, a case may be closed because the parties marry or remarry and no support arrears are due. This will require a support case closure notice and a IV-D closure letter. It may also require a court order under MCR 3.209. One letter can be used to close both the case's IV-D status and the support case. An example of a joint closure letter is attached to this policy as Appendix B.

the friend of the court files a motion to modify the support order or requests relief from the operation of the judgment, the motion will satisfy the notice requirement.²³

- b. If the friend of the court obtained the application for IV-D services, the friend of the court must also send out a IV-D case closure letter. If the support specialist obtained the application for IV-D services, the friend of the court must ask the support specialist to close the IV-D case.²⁴
- c. In some cases the notice does not need to be provided to all of the parties. Notice does not need to be supplied to the relatives of a deceased payer, a third party who has no continuing interest in the case, and to state agencies. (State agencies should be notified when the case is actually closed.)

2. Post closure actions.

a. Record retention.

Once the support case is closed, it may be removed from the data system after a permanent record of the financial history has been made on optical media, microfiche, or hard copy. In the alternative, the case records may be moved to any location on the support system that does not count the support for statistical purposes. Paper records may be retained with active cases, in a separate area for cases that may be reopened, or with archived files.

b. Notification to Office of Child Support.

The friend of the court must notify the local OCS child support specialist whenever a support case is closed and there is an associated IV-D case.

c. Ongoing actions.

²³However, if the case is a IV-D case, a sixty-day notice of intent to close the case's IV-D status is also required.

²⁴The support specialist must also send a sixty-day notice. The friend of the court may work out a local agreement to send a single letter sufficient to allow the support specialist and the friend of the court to close their cases simultaneously.

When a case is closed, the friend of the court may close the file leaving previous enforcement action in place (such as unserved bench warrants, liens, license suspensions, etc.) or it may cancel the actions.²⁵

Because a good address is unknown when a case is closed for inability to locate a payer, any motion to modify support likely will not reach the payer. If the court declines to rule on a motion because of the lack of actual service, the case may be closed with the motion pending or a final disposition on the motion may be sought that preserves the ability to retain the date of filing the motion as a possible date for modification if the case is later reopened.

G. REOPENING CLOSED CASES.

The support case must be reopened if there is a change of circumstances which could lead to enforcement of the support order, including where contact is reestablished with the custodial or non-custodial parent. The conditions contained in any order associated with the support case closure must be followed in reopening the case. If the IV-D case was also closed when the support case closed, a new signed application must be obtained for the case to requalify as a IV-D case.

²⁵The individual office's ability to retain information related to the case and its ability to take immediate action on the file if it becomes necessary are factors to consider in determining whether the previous actions are maintained or canceled.

Appendix A:

Case Closure Check List

Case Closure Check List

Case Name _____

Case Number _____

This case should be closed for the following reason(s): (To qualify, for closure under a category, all numbered paragraphs must be checked for that category. Where check boxes appear for subparagraphs under a numbered paragraph, at least one subparagraph must be checked for the numbered paragraph to apply. Where check boxes under a subparagraph are marked with a subparagraph number or bullet, all boxes under that subparagraph must be checked for the subparagraph to apply.)

A. Arrears less than \$500.00.

☐ 1. There is no current support.

☐ 2. Either:

☐ There are no arrears, or

☐ Arrears are unenforceable under state law because:

_____, or

☐ Arrears are less than \$500.00, and all of the following are true:

- ☐ • Location of the payer is unknown or collection of the arrears is unlikely despite knowledge of the payer's location, and
- ☐ • No assets of the payer are known, and
- ☐ • No collection has been made in the last year in any of payer's known cases.

B. Death of Payer.

☐ 1. Payer is dead and the death is evidenced by:

☐ 2. No claim against the estate is possible because:

☐ an estate exists but there are no assets;

☐ no assets exist for an estate;

☐ a claim has been filed, no payment was made and the estate is closed;

☐ 3 years has passed since the date of death;

☐ The payee has been contacted to file a claim or open an estate and 1 year has passed without payment being made or an estate being opened.

☐ Money is owed to a governmental entity, 42 days have passed since the date of death and the case was forwarded to the county administrator who did not open an estate.

C. Inability to locate Payer.

- ☐ 1. The location of the payer is unknown.
- ☐ 2. No assets of the payer are known.
- ☐ 3. This case has been subject to automated locate for at least three years and/or automated locate efforts cannot be made but other locate efforts have been made over the last year as follows and neither payer nor payer's assets have been located within that time:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
 - g. _____
 - h. _____
 - i. _____
 - j. _____
- ☐ 4. No collections have occurred within a year on any case involving payer.

D. Foreign citizen and residency.

- ☐ 1. Payer is a citizen of a foreign country.
- ☐ 2. Payer resides in a foreign country that does not have a reciprocal agreement with Michigan and which requires a reciprocal agreement for interstate actions.
- ☐ 3. Payer has no identified domestic income or assets or such assets cannot be reached for collection purposes because:

- ☐ 4. Payer has no known employer or does not work for the Federal Government or a company known to have offices in the United States.

E. Disability, incarceration, or institutional status.

- ☐ 1. Payer is (check all that apply and explain):
 - ☐ incarcerated with no chance of parole _____;
 - ☐ institutionalized in a psychiatric facility _____;
 - ☐ has a medically verifiable total and permanent disability _____.
- ☐ 2. Payer has no assets or payer's assets cannot be reached for collection purposes because: _____
- ☐ 3. Payer cannot pay support for the duration of the support order because (all must apply)
 - ☐ a. Payer has no eligibility for social security veterans benefits, worker compensation, sick or disability payments.
 - ☐ b. There is no reasonable likelihood of future employment;
 - ☐ c. Payer has no pending insurance claims or lawsuits.

F. Inability to contact payee.

- ☐ 1. There is no public assistance.
- ☐ 2. No current support obligation exists for any child in the case.
- ☐ 3. No arrears are due to the state.
- ☐ 4. There have been attempts to contact the payee at least 90 days before the date of this request to close on the following dates by first class mail:

- ☐ 5. No other IV-D request is on file.
- ☐ 6. There is a new court order addressing support and income withholding due to inability to locate the payee.

G. Request of IV-D client.

- ☐ 1. There is a request to close.
- ☐ 2. There is no assignment to the State of medical support or of arrearage which accrued under a support order.
- ☐ 3. No other IV-D request is in existence, or both parties have requested closure.
- ☐ 4. There is no documented evidence of spousal abuse in the file.
- ☐ 5. The request does not appear to be for improper purposes.
- ☐ 6. If support services will continue, the other parent has been contacted to determine whether that parent wishes to have IV-D services.
- ☐ 7. If no party desires IV-D services, a motion to terminate support and/or income withholding has been filed and was granted on _____.

H. Initiating state in an interstate case fails to take an action or provide information which is essential for continued support action.

- ☐ 1. A request for additional information or action was sent to the initiating state on _____
- ☐ 2. The initiating state should have responded, or did respond and agreed to provide additional information, on or before _____
- ☐ 3. No response or additional information was provided on or before the due date and the information has not yet been provided.

Approved for Closure:

Date: _____

 Friend of the Court

- ☐ Closure letter sent _____(date)
- ☐ 60 days has expired please close. _____(date)
- ☐ For paragraphs F and G, a motion to address support and/or income withholding has been filed and was granted on _____.
- ☐ For paragraph E, a motion to modify support or reserve support has been filed and was granted on _____.
- ☐ Case closed. _____(date)

Appendix B:
Joint Case Closure Letter

_____ Judicial Circuit
_____ County Friend of the Court
_____ [address]
_____ [phone]

[Date]

To: [name of custodian]
[address of custodian]

Re: Case No. [case number]

NOTICE OF TITLE IV-D SUPPORT CASE CLOSURE AND COURT CASE CLOSURE

Your child support case under Title IV-D of the Social Security Act will close 60 days after the date of this notice under section 303.11 of the federal regulations because:

[insert reason] [C(1)(a)- Arrears are less than \$500.00 or unenforceable under state law]
[C(1)(b)- The payer is deceased and there is no estate or other assets from which to collect support]
[C(2)(a)- The payer 's location is unknown, no assets of payer are known and efforts to locate payer have failed]
[C(2)(b)- The payer is a citizen of a foreign country, resides in that country, has no identified assets from which support can be paid and does not work for the federal government or a company known to have offices in the United States]
[C(3)(a)- The payer is incarcerated with no chance of parole, or is institutionalized or incapacitated with no evidence of support potential, has no assets that can be used to pay support and has no prospects of paying support]
[C(3)(b)- The payee cannot be contacted]
[C(4)(a)- The IV-D client has requested that the IV-D case be closed]
[C(5)- The initiating state has failed to provide information within 45 days of the request]
[D- Other (court case closures only)]

If you believe that this information is incorrect, you have additional locate information concerning the payer, or if you do not want your IV-D case closed, please contact this office within sixty days of the date of this notice.

If your IV-D case is closed, the Friend of the Court will also close its support case. If you provide information which enables enforcement to continue, your support case will remain open. If you obtain new information after your case is closed, you may request the _____ County Friend of the Court to reopen your child support case.